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11 Attorneys for plaintiff Tetyana Dorsaneo

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT CALIFORNIA

14 TETYANA DORSANEO,

15 Plaintiff,

16 v.

17 EDWARD MATTHEW
18 DORSANEO, an individual,
19 Defendant.

CASE NO. 4:17-cv-00765-VC

**DECLARATION OF TETYANA
DORSANEO IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR LEAVE
TO AMEND HIS ANSWER**

Date: July 20, 2017
Time: 10:00 a.m.
Dept: Courtroom 4 / 17th Floor
Judge: Hon. Vince Chhabria

20 I, TETYANA DORSANEO, declare:

- 21 1. I am the plaintiff in this action.
- 22 2. I became a conditional lawful permanent resident (LPR) of the United
23 States on February 5, 2014.
- 24 3. Prior to the expiration of my status as a conditional LPR, I filed a Form I-
25 751, Petition to Remove Conditions on Residency with U.S. Citizenship
26 and Immigration Services (USCIS). USCIS issued a receipt notice to me
27 dated February 1, 2016. A true and correct copy of the receipt notice is
28 subjoined hereto as Exhibit 1.
4. I prepared my first Form I-751 petition *pro se* without the assistance of
counsel.
5. As the basis for why my first Form I-751 petition was filed without the

1 assistance of my husband I selected “extreme hardship” from the options
2 listed on the petition.

3 6. I later received a Request for Additional Evidence (RFE) from USCIS via a
4 notice dated January 12, 2017. A true and correct copy of the receipt notice
5 is subjoined hereto as Exhibit 2.

6 7. After receiving the RFE I contacted a nonprofit legal service organization.
7 A lawyer at that organization assisted me in drafting a second Form I-751
8 Petition. Based on the attorney’s legal advice, the second Form I-751
9 Petition listed abuse by my U.S. citizen spouse as a basis for why I was
10 filing without his assistance.

11 8. I filed the second Form I-751 Petition with USCIS and received a receipt
12 notice dated April 7, 2017. A true and correct copy of my receipt notice
13 from USCIS is subjoined hereto as Exhibit 3. The receipt notice states that
14 my status as an LPR has been extended for a period of one year from the
15 date of the receipt notice (i.e., April 7, 2018).


16 9. On June 19, 2017 I attended the second of two biometrics appointments
17 that have been assigned to me in connection with the Form I-751 petition.
18 A true and correct copy of my biometrics appointment notice, dated June 2,
19 2017 is subjoined hereto as Exhibit 4.

20 10. My second Form I-751 petition remains pending with USCIS.

21 [The remainder of this page is intentionally left blank]
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1 I declare, under penalty of perjury under the laws of California, that the foregoing
2 is true and correct.

3 Dated: 06/22, 2017

4
5 By: 
6 Tetyana Dorsaneo



I-751 RECEIPT NOTICE

Receipt Number : EAC-16-126-00010
Reference Number: A20555182
Petitioner: DORSANEO

Receipt Date: 02/01/2016
Receipt Time: 08:33
P.

, TETYANA

T. DORSANEO
205 GALLAGHER CT 2ND FL APT
SCRANTON , PA 18505

**** THE ABOVE RECEIPT NUMBER MUST ACCOMPANY ALL INQUIRIES ****

Amount Received: \$590.00

Your conditional resident status is extended for a period of one year. During the one-year extension you are authorized employment and travel. (This extension and authorization for employment and travel does not apply to you if your conditional resident status has been terminated.)

In order to further process your petition, you will be receiving an Application Support Center(ASC) appointment notice with a specific time, date, and location to capture your fingerprints, photo, and signature. You MUST wait for your appointment notice before going to the ASC for biometric processing.

NOTE: Conditional resident applicants, including conditional resident dependents residing overseas pursuant to military or government orders WILL NOT RECEIVE an ASC appointment notice. To complete biometric processing, these applicants must submit the required items listed on the I-751 form instructions.

If you have not already done so, provide supporting documents to assist USCIS in processing your petition and to establish eligibility to remove the conditional basis of your permanent residence. PLEASE INCLUDE A COPY OF THIS RECEIPT NOTICE WITH ANY SUPPORTING DOCUMENTS YOU SUBMIT.

Upon receipt of your ASC appointment notice, you can find the status of your case on-line at www.uscis.gov. To view the status of your case, enter the application number found at the top of the ASC appointment notice. NOTE: The I-751 form type will be listed as "CRI89" under the application type in our case status on-line tool.

NOTE: If you checked box "E" or "F" under Part 2 - Basis for Petition, you may NOT file a change of address request through the USCIS web site or by calling the National Customer Service Center. If you or your parent were subjected to battery or extreme cruelty, contact the appropriate USCIS Service Center where you originally filed your Form I-751 for specific address change instructions.

VERMONT SERV CENTER

75 LOWER WELDEN ST
ST ALBANS , VT 05479-0001
(800) 375-5283

PAGE 1 OF 1

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services

Notice of Action
Page 1 of 4

| | |
|---|--|
| Applicant/Petitioner A # A205555182 | Application/Petition Petition To Remove Conditions On Residence (form I-751) |
| Notice Date January 12, 2017 | Response due by April 9, 2017 |

TETYANA PAVLYUCHYK DORSANEO
TETYANA DORSANEO
205 GALLAGHER CT 2ND FL APT
SCRANTON PA 18505



A205555182

| |
|---|
| Applicant/Petitioner DORSANEO, TETYANA PAVLYUCHYK |
| Beneficiary |
| Receipt Number EAC1608452341 (CRI89) |

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER. THE ORIGINAL NOTICE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence listed on the attached page(s). Include duplicate copies if you are requesting consular notification.

Your response must be received in this office by April 9, 2017

Please note that you have been allotted the maximum period allowed for responding to a Request For Evidence (RFE). The time period for responding cannot be extended. 8 CFR 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

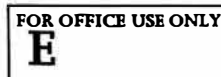
You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. 8 CFR 103.2(b)(11).

If you submit a document in any language other than English, the document must be accompanied by a full and complete English translation. The translator must certify that the translation is accurate and he or she is competent to translate from that language to English. If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.

Processing of your form or benefit request will resume upon receipt of your response. If you have not heard from USCIS within **60 days of responding**, you may contact the USCIS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

Mail this notice and your response to:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
ST. ALBANS, VT 05479-0001



A205555182
EAC1608452341(CRI89)

USCIS has reviewed your Petition to Remove Conditions on Residence (Form I-751). The supporting evidence does not establish that extreme hardship would result if you were removed from the United States.

You submitted:

- identification documents and a copy of your permanent resident card;
- divorce decree;
- self affidavit describing your relationship with your former spouse; and
- 2015 tax returns.

Extreme Hardship

Submit evidence that extreme hardship would result if you were removed from the United States. In determining extreme hardship, USCIS will consider circumstances occurring only during the period of your conditional permanent resident status. The evidence you submit must directly relate to you.

- What are your needs concerning medical and social service available in the United States?
- Do you have any serious illness that cannot be treated in your country?
- How does your age and the time you have been in the United States affect the possibility of deportation?
- How old are your children, and how long have they lived in the United States?
- How would deportation affect your children?
- Would you and your children be able to readjust to life in your country?
- Can you obtain employment to support yourself and your children?
- Do you have family in the United States? If so, what is their status in the United States, and how long have they lived here? Do you still have family in your homeland? If so, how are they related to you?
- How would your child's education be disrupted?
- What kind of psychological impact would deportation have on you and your children?

NOTE: The following do not constitute extreme hardship for immigration purposes:

- Financial hardship, including the loss of one's job,
- Difficulty adjusting to a foreign culture or environment, even after several years in the United States,
- The loss of your standard of living or economic deprivation which may result due to your deportation.

You may send any other relevant documentation not already mentioned. Please do not send copies of documents previously submitted.

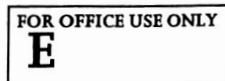
Your supporting evidence does not sufficiently establish that you and your former spouse entered the marriage in good faith and continued to share a life together until your legal separation.

You submitted:

- e mails exchanged with your former spouse;
- photographs of you and your former spouse; and
- your divorce decree.

Good Faith Marriage

Form I-797 (8/03/90) Y



A205555182
EAC1608452341(CRI89)

Please submit evidence to show that you and your former spouse entered the marriage in good faith and continued to share a life together until your legal separation. The evidence should cover the entire period of your marriage and may include, but is not limited to, one or more of the following:

- Children as a result of your marriage:
 - birth certificate(s) of child(ren) born to the marriage; (A birth certificate should show issuance by the appropriate civil authority, timely registration, date and place of birth, and parents' names.)
 - adoption decrees of children adopted by you and/or your spouse;
 - court guardianship records of stepchildren;
 - school records listing the stepparent as a contact or guardian; or
 - medical records listing the stepparent as a contact or guardian.
- Evidence that you and your former spouse had resided together and shared responsibility for a common residence:
 - leases in both names showing joint occupancy; or
 - deeds and mortgages in both names showing joint ownership.
- Evidence that you and your former spouse had combined financial resources may include financial records showing joint ownership of assets and joint responsibility for liabilities such as:
 - joint checking and savings account statements showing deposits or withdrawals for the period of your marriage;
 - insurance policies that show the other spouse as the beneficiary;
 - joint federal and state tax returns;
 - joint utility bills; or
 - joint installment, other loans or credit card account statements.
- Evidence that you and your former spouse had made estate, health and financial planning arrangements with each other:
 - a will;
 - a trust; or
 - a durable power of attorney for health care or property or both.
- Affidavits from third parties who have knowledge of the bona fides of your marital relationship. An affidavit should be supported by documentary evidence and must be sworn to or affirmed by at least two people who:
 - have known you and your former spouse since your conditional residence was granted and have provided information about their relationship to you or your spouse;
 - have personal knowledge of your marital relationship and have provided a detailed explanation about how this knowledge was acquired;
 - may be required to testify before an immigration officer regarding the affidavit's content;
 - and have provided their full name, address, date and place of birth.
- Any other relevant documents not already mentioned. Please do not send copies of documents previously

A205555182
EAC1608452341 (CRI89)

submitted.

Documentary Evidence

If sufficient documentary evidence is submitted to establish your "good faith" marriage, the Service Center Director may waive the interview requirement.

Response Required

If you do not respond within the allowable time period, USCIS will deny your petition. A denial of your petition may result in the termination of your conditional resident status and your possible removal from the United States.

NOTE: The receipt number listed above is for your biometric appointment record; therefore, please include your A-file number on all correspondence.





I-751 RECEIPT NOTICE

Receipt Number : EAC-17-213-00143
Reference Number: A205555182
Petitioner: DORSANEO

Receipt Date: 04/07/2017
Receipt Time: 16:15
P.

, TETIANA

K. KENNEDY
BARBARA J HART JUSTICE CENTER
608 JEFFERSON AVE
SCRANTON , PA 18510

**** THE ABOVE RECEIPT NUMBER MUST ACCOMPANY ALL INQUIRIES ****

Amount Received: ***FEE WAIVED***

Your Conditional resident status is extended for a period of one year. During the one-year extension you are authorized employment and travel. (This extension and authorization for employment and travel does not apply to you if your conditional resident status has been terminated.)

In order to further process your petition, you will be receiving an Application Support Center(ASC) appointment notice with a specific time, date, and location to capture your fingerprints, photo, and signature. You MUST wait for your appointment notice before going to the ASC for biometric processing.

NOTE: Conditional resident applicants, including conditional resident dependents residing overseas pursuant to military or government orders WILL NOT RECEIVE an ASC appointment notice. To complete biometric processing, these applicants must submit the required items listed on the I-751 form instructions.

If you have not already done so, provide supporting documents to assist USCIS in processing your petition and to establish eligibility to remove the conditional basis of your permanent residence. PLEASE INCLUDE A COPY OF THIS RECEIPT NOTICE WITH ANY SUPPORTING DOCUMENTS YOU SUBMIT.

Upon receipt of your ASC appointment notice, you can find the status of your case on-line at www.uscis.gov. To view the status of your case, enter the application number found at the top of the ASC appointment notice. NOTE: The I-751 form type will be listed as "CRI89" under the application type in our case status on-line tool.

NOTE: If you checked box "E" or "F" under Part 2 - Basis for Petition, you may NOT file a change of address request through the USCIS web site or by calling the National Customer Service Center. If you or your parent were subjected to battery or extreme cruelty, contact the appropriate USCIS Service Center where you originally filed your Form I-751 for specific address change instructions.

VERMONT SERV CENTER

75 LOWER WELDEN ST
ST ALBANS , VT 05479-0001
(800) 375-5283

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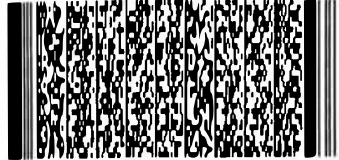
U.S. Department of Homeland Security
 Citizenship and Immigration Services

Form I-797C, Notice of Action

NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

| | | | | |
|--|------------------------|--|----------------|---------------------------|
| USC Appointment Notice - APPLICANT COPY | | APPLICATION/PETITION/REQUEST NUMBER EAC1721300143 - EAC1717251757 | | NOTICE DATE 06/02/2017 |
| CASE TYPE I751 - CR189 | SOCIAL SECURITY NUMBER | USCIS AIR A205 555 182 | CODE 3 | |
| ACCOUNT NUMBER | FCR | SERVICE CENTER VSC | PAGE 1 of 1 | |

TETYANA PAVLYUCHYK DORSANEO
 c/o BARBARA J HART JUSTICE CENTER
 608 JEFFERSON AVE
 SCRANTON PA 18510



To process your application, petition, or request, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.
PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER (ASC) AT THE DATE AND TIME SPECIFIED.
IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION, PETITION, OR REQUEST WILL BE CONSIDERED ABANDONED.

| | |
|---|--|
| APPLICATION SUPPORT CENTER USCIS PHILADELPHIA 10300 Drummond Road Suite 100 Philadelphia PA 19154 | PLEASE READ THIS ENTIRE NOTICE CAREFULLY. DATE AND TIME OF APPOINTMENT 06/19/2017 10:00AM |
|---|--|

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:
 1. THIS APPOINTMENT NOTICE and
 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Resident Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.

CELL PHONES, CAMERAS, OR OTHER RECORDING DEVICES ARE NOT PERMITTED.

NOTE: When you appear at the USCIS Application Support Center, you will reaffirm, under penalty of perjury, that you reviewed and understood your application, petition, or request and all supporting documents, that the answers were provided by you, and that the contents of your application, petition, or request are complete, true, and correct. If you were assisted in completing your application, petition, or request, you will be reaffirming that the person assisting you also reviewed the **Acknowledgement of Appointment at USCIS Application Support Center** with you.

NOTE: USCIS will use your fingerprints to check the criminal history records of the FBI. You may obtain a copy of your own FBI identification record using the procedures outlined within Title 28 C.F.R., Section 16.32. The procedures to change, correct, or update your FBI identification record are outlined within Title 28, C.F.R., Section 16.34.

NOTE: If the USCIS ASC is closed due to inclement weather or for other unforeseen circumstances, USCIS will **automatically reschedule** your appointment for the next available appointment date and mail you a notice with the new date and time.

REQUEST FOR RESCHEDULING

☐ Please reschedule my appointment. Once ~~BIOMETRICS~~ you appear, you will be sent a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to BPU, Alexandria ASC, Suite 100, 6800 Lee Hwy, Alexandria, VA 22309-1586

ASC SITE CODE
BIOMETRICS QA REVIEW BY:
 000033 ON JUN 19 2017
TENPRINTS QA REVIEW BY:
 000033 ON JUN 19 2017

| | |
|---|---|
| APPLICATION NUMBER I751 - EAC1721300143  | APPLICATION NUMBER 2 CR189 - EAC1717251757  |
|---|---|

If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING: Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you. If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

If this is an interview or biometrics appointment notice, please see the back of this notice for important information.

Form I-797C 07/11/14 Y